

Resolution # HSRA 12-20

Merced to Fresno Section High-Speed Train Project:

Adoption of CEQA Findings of Fact and Statement of Overriding Considerations

Adoption of Mitigation Monitoring and Reporting Program

**Approval of the Hybrid Alternative North/South Alignment, Merced Downtown Station Location, and
Downtown Fresno Station at the Mariposa Street Location**

WHEREAS, pursuant to the California High-Speed Rail Act, Public Utilities Code section 185000, et seq., the California High-Speed Rail Authority ("Authority") was created in 1996 to direct the development and implementation of intercity high-speed rail service that is fully integrated with the state's existing intercity rail and bus network.

WHEREAS, the Authority has chosen to use a tiered environmental review and decision making process to identify preferred alignments and station locations for the high-speed train system;

WHEREAS, the Authority and the Federal Railroad Administration (FRA) completed a first-tier, program EIR/EIS for the statewide high-speed train (HST) system in 2005 and approved general alignments and station locations for further study in second-tier, project-level environmental documents, but directed staff to prepare a separate first-tier, program EIR/EIS for the Bay Area to Central Valley route;

WHEREAS, the Authority and FRA completed a first-tier, Bay Area to Central Valley HST Final Program EIR/EIS in 2008, and the Authority completed a Partially Revised Final Program EIR in 2012;

WHEREAS, the Authority has now completed a second-tier Merced to Fresno Section Final Project EIR/EIS;

WHEREAS, the Authority has certified the Merced to Fresno Section Final Project EIR/EIS through Resolution 12-19;

WHEREAS, all legal prerequisites to the adoption of this Resolution have been fulfilled;

NOW, THEREFORE, IT IS RESOLVED by the California High-Speed Authority takes the following actions:

Section 1. Adoption of CEQA Findings of Fact. As the decision-making body for the High-Speed Train system, the Authority has reviewed and considered the information contained in the Merced to Fresno Final Project EIR/EIS and in the CEQA Findings of Fact attached hereto as Exhibit "A" as modified by Exhibit "A1" and supporting documentation. The Authority determines that the CEQA Findings of Fact contain a complete and accurate reporting of the environmental impacts and mitigation strategies associated with the Hybrid Alternative North/South Alignment, the Downtown Merced Station Location, and the Downtown Fresno Station at the Mariposa Street Location. The Authority further finds that the CEQA Findings of Fact have been completed in compliance with CEQA and the State CEQA Guidelines. The Authority hereby approves and adopts the CEQA Findings of Fact attached hereto as Exhibit "A" as modified by Exhibit "A1".

Section 2. Adoption of Statement of Overriding Considerations. The Authority hereby finds that the Statement of Overriding Considerations was completed in accordance with Public Resources Code section

21081 and State CEQA Guidelines Section 15093, subdivision (a), which states that CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. The Statement of Overriding Considerations is included in the Findings of Fact attached hereto as Exhibit "A" and sets forth those significant effects on the environment that are found to be unavoidable, but are acceptable due to the overriding concerns and benefits expected to result from implementing the Hybrid Alternative North/South Alignment, the Downtown Merced Station Location, and the Downtown Fresno Station at the Mariposa Street Location as part of the statewide HST System. The Authority hereby approves and adopts the Statement of Overriding Considerations included in the Findings of Fact attached hereto as Exhibit "A".

Section 3. Adoption of Mitigation Monitoring and Reporting Program. Staff is directed and authorized to revise Exhibit B to be consistent with Exhibit A1. Pursuant to Public Resources Code section 21081.6, and State CEQA Guidelines Section 15091, subdivision (d), the Authority hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit "B" as modified by Exhibit A1.

Section 4. Approval of the Hybrid Alternative North/South Alignment, the Downtown Merced Station Location, and the Downtown Fresno Station at the Mariposa Street Location as part of the statewide HST System. Based on and in consideration of all of the foregoing, the Authority hereby approves the Hybrid Alternative North/South Alignment (excepting the portions of the Merced Fresno project depicted within the rectangular box shown in Figure 2 in Exhibit A), the Downtown Merced Station Location, and the Downtown Fresno Station at the Mariposa Street Location, along with, and as conditioned by, the design practices and mitigation measures, which are described in the Findings of Fact attached hereto as Exhibit A as modified by Exhibit A1 and reflected in the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B, and which shall be incorporated into and be a part of the approved project.

Section 5. Advance Funding for Construction Emissions Offsets. Regarding construction emissions offsets for criteria pollutants, the Authority shall fund upfront, from all available sources, offsets for the entire Merced Fresno segment, to the extent legally permissible and compliant with EPA governing rules.

Section 6. Next Steps. The Authority hereby directs staff to file a Notice of Determination with the State Clearinghouse and to take any other necessary steps to implement the project. The Authority further directs staff to carry forward all alternatives for the east/west connection and wyes for further study and consideration as part of the San Jose to Merced EIR/EIS process, as further described in Exhibit A.

CERTIFICATION

The undersigned Chief Executive Officer, or his designee, of the California High-Speed Rail Authority does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California High-Speed Rail Authority held on May 3, 2012.

Dated: _____

Thomas Fellenz

Acting Chief Executive Officer

Vote:

Date:

EXHIBIT A1

REVISION TO CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

CALIFORNIA HIGH SPEED TRAIN PROJECT EIR/EIS

MERCED TO FRESNO SEGMENT

(1) AQ-MM#4 on page 3-19 of Exhibit A is hereby revised to read:

"AQ-MM#4: Offset Project Construction Emissions through a SJVAPCD Voluntary Emissions Reduction Agreement (VERA). This mitigation measure would address AQ IMPACT #1 (Regional Impacts – Construction of the HST would exceed the CEQA emissions threshold for VOC and NO_x). The Authority and SJVAPCD will enter into a contractual agreement to mitigate (by offsetting) to net zero the project's actual emissions that exceed thresholds by providing funds for the district's Emission Reduction Incentive Program (SJVAPCD, 2011) to fund grants for projects that achieve emission reductions, thus offsetting project-related impacts on air quality. The project will reduce actual construction emissions for VOC and NO_x that exceed significance/General Conformity thresholds through the VERA program. To lower overall cost, funding for the VERA program, to cover estimated construction emissions for any funded construction phase, shall be provided at the beginning of the construction phase, ~~as reasonable and permitted by appropriation.~~ At a minimum, mitigation/offsets shall occur in the year of impact, or as otherwise permitted by 40 CFR Part 93 Section 93.163."

(2) The last sentence of the first paragraph of Section 4.2 of Exhibit A (page 4-1) is hereby deleted and replaced with:

"The past, present, and reasonably foreseeable projects in the region would have significant air quality impacts under CEQA and the contribution of the project construction on air quality impacts without implementation of mitigation measures would be cumulatively considerable under CEQA. While the construction emissions impacts of the Merced-Fresno segment for VOC and NO_x emissions in certain years, and PM₁₀ and PM_{2.5} emissions in all years, are not significant (see Section 3.2 of these Findings and the Final EIR), the San Joaquin Valley Air Basin is in nonattainment (extreme) for ozone (which is affected by VOC and NO_x) and nonattainment for PM₁₀ and PM_{2.5}. The SJVAPCD has plans to help bring these pollutants into attainment, but those plans have not included in their budgets the potential emissions from HST construction. Because of the magnitude of the project construction emissions, and that attainment plans do not account for the project, VOC, NO_x, PM₁₀ and PM_{2.5} emissions that may not be significant based on project-specific thresholds are significant as cumulatively considerable. Mitigation (below) would reduce this impact to less than significant.

MITIGATION (CONSTRUCTION): Through AQ-MM#4, the Authority shall also fund (from all available sources) emissions offsets to net zero in every year for VOC and NO_x construction emissions (regardless of whether a threshold is exceeded in that year) and for all PM₁₀ and PM_{2.5} construction emissions."

